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### Historical Memoranda Relating to the House of Burgesses, 1685-91.

(FROM LUDWELL PAPERS, VIRGINIA HISTORICAL SOCIETY.)

[The faded and mutilated condition of this paper prevents a complete copy from being made.—ED.]

Oct. 1, 1685, 1st Jas. 2d L<sup>d</sup> How<sup>d</sup> Gov<sup>r</sup>, the stile is K. of Eng<sup>d</sup>, Scotl<sup>d</sup>, Irel<sup>d</sup> and Virginia, and this is the first time Virg<sup>a</sup> is added, agreeable to the motto of the Seal, *en dat Virginia quartam*, and since the Union it is alt. to *Quintum*, i. e., G. Britan, France, Irel<sup>d</sup> & Virg<sup>a</sup>, 4 Kingdoms.

Since the prorogation the speaker (Kendel) dyed—the Gov<sup>r</sup> sent for ye house, and tells y<sup>n</sup> y<sup>t</sup> he finds their Speaker absent & desires to know w<sup>t</sup> was become of him. They answer since their meet<sup>g</sup> they were unhappy in the death of their Speaker; y<sup>n</sup> the Gov<sup>r</sup> Com<sup>d</sup>s them to elect another, w<sup>ch</sup> they did (Allen) & presented him. The speech is a gentle rebuke for their obstinacy last time. To regulate the militia that they may be obed<sup>t</sup>—the care of Tob<sup>o</sup>—to make the 3d duty higher it being found wee loose duty & charges them w<sup>th</sup> being the authors of the great charge of last Assembly & its being ineffectual.

Articles ag<sup>t</sup> Col. Fitz. y<sup>t</sup> he cheated ye County of \* \* \* of tob<sup>o</sup>, besides his wages w<sup>ch</sup> they say he forfeited by being unduly elected. \* \* \* several proposals for regulat<sup>g</sup> militia fines and pay. The Burgesses deny the King's power of renew<sup>g</sup> a law repeal'd tho' he destroyed the repeal<sup>g</sup> law & desire the Gov<sup>r</sup> to declare. The Burgesses desire to know w<sup>t</sup> bills were rej. w<sup>ch</sup> amend<sup>ts</sup> \* \* the Council alone or w<sup>th</sup> the Gov<sup>r</sup>, to w<sup>ch</sup> they were ans<sup>d</sup> y<sup>t</sup> it is only the Council; y<sup>t</sup> the Gov. is a separate body soe to Conform to the parliament of Engl<sup>d</sup>, y<sup>t</sup> w<sup>n</sup> an answer is sent to a message sign'd by their Clerk, it is from the Council, it being derogatory to the Gov<sup>r</sup> Station to answer such himself, soe the Council doe it by \* \* \* In this sess<sup>n</sup> is a message from the Gov<sup>r</sup> with the King's rule of govern<sup>g</sup> by Instructions, our power of mak<sup>g</sup> lawes being only of Grace. The old controversy ab't the seal renew'd & insist'd

on by the Gov'. The proposals of the Council for regulat'g the militia refused, & Burgesses say it is in the Gov<sup>r</sup>'s power with't law, w<sup>th</sup> ye Council deny. Claims & levies \* \* The King's letter rec'd \* \* \* The last session \* \* ordered to be recorded \* \* both houses. Nov. 15, Dissolved.

Ap'l 19, 1688, 4th J. 2d.

Is. Allerton of Councell [added to] A. Allen, Speaker, Clerk H. B's app'd by Advice & Approval of Councell.

The house desire Council to administer the oaths w'ch the Gov'r would have avoided agreeable to the King's dispensing declaration, Apl. 4, 1687.

An alteration in ye Clerk's oath by the Gov' disliked, & soe restored to ye old form near [?] they agree the Gov' have the power to ap<sup>i</sup> the Clerk from ye King.

A fast for ye great mortality (the first time the Winter distemper was soe very fatal w<sup>th</sup> [?] the people dyed, 1688 as in a plague bleeding the remedy, L<sup>d</sup> Howard had 80 ounces taken from him, Vid. R. Lee's letter) it lasted 2 Winters.

They refuse assistance to N. York because they are too remote, moreover they are poor & because \* \* \* is ab' their trade with ye Indians profitable to N. Y. only.

Revisal insisted on.

The house address the Gov' to order ye Sect'y not to take any unlawful fee as he had done for patents.

The house address the Gov' to order the Atto. Gen<sup>l</sup> to prosecute W. F., not order on Spotswood's Case \* \* \* any address but by their own power w<sup>th</sup> note. Address comply'd with.

The dispute ab' the King's power of repeal'g one law & renew'g another is renewed. Justified by the Gov'r & his power by his Comiss<sup>n</sup> to erect Courts with advice of C[ouncil?] & set fees & soe Justifies the Secretary. A book of surveys ad'd in ye office to be kept. Law for ports \* \* \* & practis in Maryl<sup>d</sup> all the trade bro't to particular places.

A great Complaint ag't Coll. Custis for \* \* doings, May 1688, tak'g unlawfull fees and \* \* \* those grievances.

The Gov'r addressed to remedy it & not suffer great persons to oppress.

The Council take offence at ye manner of the Burgess<sup>a</sup> apply'g to y<sup>m</sup> join in an addres & refuse to join.

May 9. The Gov'r gives a soft answer to the address ag't Custis & promises to reprove him. They offer to prove the Charge ag't Custis w'n the Gov'r will require it.

A long remonstrance May 10, from the B's to C[ouncil] to Join in an address of Grievances y't the repeal'g & renew'g of laws by proclamation y't of fees, & ye applicat'n of fines and forfeitures.

The Council desire to see ye Grievances first made out & y<sup>a</sup> promise a favourable answer.

May 11, 1688: A long address to the Gov'r ag't prohibiting bulk Tob'o.

The Burgesses purpose a conference when they will shew the Country's grievances, Tho contrary to right they \* \* \* \*

May 12. The Council by a long representation by a messenger, refuse all the petitious of Grievances & rather attribute it to the petulent tempers y'n facts [?] refuse a conference as unnecessary & Excessive w<sup>th</sup>out and \* \* \* to the country, consider'g the temper of y<sup>t</sup> house, its \* \* \* \*

The same day the Gov'r sent for the House up & in a short speech very justly reprimanded them, and concluded y<sup>t</sup> since they had refused to \* \* \* w<sup>t</sup> they \* \* \* and the King Comis'n, he would be so much the Country's friend to put an end to the expence & so dissolv'd them.

This was the last Assembly L<sup>d</sup> Howard's for the Revolution being at hand, he went to England in time, got his Commiss'n from K. W. & Q. M. & sent Gov<sup>r</sup> Nicholson as Lt. Gov<sup>r</sup>, who began an Assembly the 17 of April, 1691, & took the title of Right Honorable.

Apl. 17, 1691, F. Nicholson, Lt. Gov'r, Styled Right Honorable, published L<sup>d</sup> Howard's Com'n from K. W. & Q. M. & his as Lt. Gov'r before Co[uncil] or B[urgesses] in Genl. Court. The Lt. Gov'r's Com'n \* \* \* an order from ye King to \* \* \* the Instruct'ns. Pet. Beverley ap'd clk. by ye Gov'r. Tho. Millner chosen speaker. The house Elect Beverley Clk, but ye Gov'r insisted on his ap'ment. Allen refuses ye oaths. In this Journal is the Case of Capt. Jno. Jennings, former Comodore, after admiral who came on shoar with his boats crewe [?]

armed, took a man of the Country from the \* \* \* while his Cause was trying beat him, & the sheriff carr'd him on board & put him in Irons & kept him prisoner tho he was demand'd by the Gov'r, upon w'ch the Gov'r, Coun'l & Burgesses address the King—a sum of money is ord'd to prosecute it, but it had no effect. Christopher Thornton [?] was the man abus [?]. The Court was a C \* \* \* Court of Lower Norfolk Jenings excus'd him'f in Engl'd, pretend'd he did not know it was a Court for the justices appeared with pipes in their mouths. The last house of Burgesses had sent Col. Ludwell to complain ag't Ld. How'd, and \* \* \* they thank him & give him 250£. The Coun'l refuse to allow y<sup>t</sup> resolve as to Col. Ludwell, unless the H. B. will pay all the charge of Mess'rs &c., w'ch they sent down & say L[udwel]l was employ'd with't their Consent & they have not \* \* \* his expenses. An address ab't N[orthen] N[eck] Grant. They gave Lt. Gov'r 300£, to Jef'ry Jeffreys \* \* \* ag't to prose't Ad's ag't Jenings & N. N. 200l. \* \* \* to Mr. Blair to Sollicit the College Charter.

Address the King to let Lt. Gov'r receive 300l. being contrary to Instruct'ns as the Gov'r sayd.

Assembly prorog'd to 1st Apl.